

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
Plaintiff,

NOTICE OF MOTION

v.

DAVID RUBEL,
Defendants.

Case No: 20-cr-00195(JLS)(JJM)

S I R S :

PLEASE TAKE NOTICE that upon the annexed affidavit Herbert L. Greenman, Esq., the undersigned moves this Court for an Order extending the time within which the defense must file motions by 45 days for reasons set forth in the affidavit annexed hereto and made a part hereof together with such other and further relief as to this Court may deem just and proper.

DATED: Buffalo, New York
September 14, 2021

Respectfully submitted,

/s/Herbert L. Greenman

HERBERT L. GREENMAN, ESQ.
LIPSITZ GREEN SCIME
CAMBRIA, LLP
Counsel for Defendant
DAVID RUBEL
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TO: LAURA HIGGINS, ESQ.
ASSISTANT UNITED STATES ATTORNEY
138 Delaware Ave.
Buffalo, NY 14202

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
Plaintiff,

v.

DAVID RUBEL

Defendants.

AFFIDAVIT
Case #20-cr-00195(JLS)(JJM)

STATE OF NEW YORK)
COUNTY OF ERIE SS:
CITY OF BUFFALO)

HERBERT L. GREENMAN, Esq. being duly sworn deposes and says:

1. I am an attorney for the defendant David Rubel.
2. By order of United States Magistrate Judge Jeremiah J. McCarthy motions are scheduled to be filed by Tuesday, September 14, 2021.
3. The parties are continuing their plea negotiations. The government has offered the defendant an approved plea but there are issues relative to the plea offer. I have had conversations with Assistant United States Attorney Laura Higgins and I expect that I will be meeting with a supervisor in her office within the next 2 to 3 weeks relative to these issues. We hope and expect that the matter will be resolved without further litigation.
4. For those reasons we are respectfully requesting an additional 45 days within which to file motions.
5. Assistant United States Laura Higgins has advised that she has no objection to this request.
6. The parties agree that the speedy trial time should be excluded on the basis that

the interest of the defendant and the community in a speedy disposition of this case is outweighed by this request.

WHEREFORE, your deponent prays that this Court rule accordingly.

DATED: September 14, 2021
Buffalo, New York

Respectfully submitted,

/s/Herbert L. Greenman

HERBERT L. GREENMAN, ESQ.
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Sworn to before me this 14th day
Of September, 2021

/s/Elizabeth M. Jagord-Ward

Notary Public, State of New York
Qualified in Erie County
My Commission Expires October 31, 2022